

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION

UNITED STATES OF AMERICA,)	
)	
v.)	DOCKET NO. 2:10CR09
)	
JAMES ERNEST LESPIER)	NOTICE OF EXPERT WITNESS

COMES NOW the Defendant, JAMES ERNEST LESPIER, by and through counsel and gives notice of his intent to use testimony and opinions of expert witnesses and shows the Court the following:

1. The Defendant was charged on June 1, 2010, in a two count bill of indictment with murder and using, carrying, and discharging a firearm during a crime of violence. Further, the United States filed a superseding indictment of first degree murder against the Defendant.
2. On December 14, 2010, the Defendant appeared in court for an initial appearance for the first degree murder indictment and pleaded not guilty.
3. That a trial date is set for the May 31, 2011 Bryson City Session of Federal Court for the Western District of North Carolina.
4. That the Defendant intends to use expert testimony and opinions at the trial of this matter and hereby gives notice to the U.S. Attorney's Office of his intent to do so.
5. The Defendant intends to call John Clement an expert in human psychology to offer testimony concerning the alleged inconsistencies in the statements made by the Defendant and to offer an opinion as to possible reasons for such alleged inconsistencies if in fact such inconsistencies do exist.
6. The Defendant intends to call Michael Whitley a human biomechanical expert to give testimony and opinions at the trial of this matter and to present a computer animation depicting the event in question to show the possibility

that the event did in fact occur as the Defendant described in statements given to law enforcement.

7. That the Defendant shall at trial illicit testimony concerning the knowledge, education, and experience of said witnesses in their fields of expertise and tender these witnesses as experts to provide further testimony and opinions.

WHEREFORE, PREMISES CONSIDERED, Defendant requests he be allowed to call the aforementioned experts to provide testimony and render opinions in their respective fields of expertise.

RESPECTFULLY SUBMITTED this the 12th day of May 2011.

James Ernest Lespier, Defendant

BY: Brad H. Ferguson

BY: s/Brad H. Ferguson, NC Bar #33256
Attorney for Defendant
258 North Main Street
Waynesville, North Carolina 28786
(828) 452-1655
(828) 246-0607 (fax)
bradhferg@yahoo.com

CERTIFICATE OF SERVICE

I, Brad H. Ferguson, do hereby certify that on May 12, 2011 I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

DonGast@usdoj.gov

AliciaShelton@usdoj.gov